

Legislative Record of Jackie Speier: Bills Signed into Law 1986 – 2004

Authored by Jackie Speier

Protection Of Your Privacy

SB 1: Financial Privacy--Hailed as a "***Milestone in Privacy Rights***" by the San Francisco *Chronicle*, this bill created the strongest standard in the nation for consumer protection and control of personal financial information in order to reduce invasive "profiling" of consumers by their spending habits, reduce identify theft, and to preserve a zone of personal privacy for all Californians when they deal with companies. Among many features, the bill required that financial service companies obtain consumer permission before sharing consumer financial information with 3rd parties, created meaningful disclosure forms so that consumers could "opt in" or "opt out" of sharing of their information, and created new powers for the Attorney General to limit or eliminate sharing that violates the law. (Chapter 241, Statutes of 2003)

SB 247: Birth and death certificates- Created greater protections against identify theft by setting new standards for obtaining certified copies of birth and death certificates. (Chapter 914, Statutes of 2002)

SB 660: Court Records-- Required that the social security number that is part of a court file in a dissolution matter be placed in the confidential portion of the court file, but the remainder of that file shall be open to public inspection. (Chapter 154, Statutes of 2003)

SB 926: Supermarket rewards cards- Prohibited supermarkets from asking consumers for their drivers license or social security numbers as a condition of receiving club or reward cards. Prohibited

supermarkets from selling or sharing names, addresses, phone numbers or other personal information about the card holders. Grocery shoppers longer have to risk their privacy to obtain a few dollars of discounts. (Chapter 586, Statutes of 1999)

SB 1614: Birth and death certificates-- Set new standards for release of birth and death certificates to the public in order to limit sources of documents used in identity theft. (Chapter 712, Statutes of 2002)

SB 1903: Privacy of Medical Records- Protects medical information from unauthorized and secondary uses. Requires authorization of patient, allows patients to correct erroneous information, allows patients access to their summaries and profiles, and gives patients right to obtain those summaries and profiles. (Chapter 1066, Statutes of 2000)

SB 1914: Privacy of medical records-- Required the state agency responsible for compliance with federal law governing medical record privacy to identify areas where privacy protections need to be changed in order to meet standards set forth in federal law. (Chapter 489, Statutes of 2002)

SB 2072: Privacy of Personal Information Kept By Government- Prohibited state agencies from selling the names and addresses of their licensees for bulk marketing purposes. (Chapter 1008, Statutes of 2000)

Consumer Protection

Fertility Clinics

Problem: The alleged clinical misconduct of faculty members at the U.C. Irvine fertility clinic underscored the lack of procedural controls concerning a patient's consent to donate human eggs or embryos for implantation in other women. The chief allegations of misconduct involved the implanting of patient eggs into another without the consent of the donor; performing research on patients without their consent; and providing patients with non-FDA approved drugs. The fertility scandal at UC Irvine allegedly has involved more than 100 women, at least 10 live births from stolen eggs, and 46 lawsuits.

AB 2513: Established a consent process that requires physicians who remove sperm or ova from a patient to obtain a prescribed written consent before using the material other than for re-implantation in the same patient. Failure to obtain consent would be an act of unprofessional conduct which could result in a fine or loss of the physician's license. The law also imposes civil penalties on physicians who fail to obtain the patient's consent after a second violation. (Chapter 863, Statutes of 1996 and AB 2512, Chapter 652, Statutes of 1996 allowing U.C. to collect monetary damages from faculty members who defraud the University.)

Milk

Problem: California's Depression-era law required that milk be, in effect, regulated at the retail level. Milk is a significant source of nutrition for children and plays a particularly important role in the health of poor children in California. Regulation was driving up the price of this dietary essential.

SB 419: Milk pricing- Required the California Department of Food and Agriculture to create a web site and toll-free number where

consumers can call to get information on milk prices. Monthly surveys of milk prices were required, with the results posted on the Internet so that consumers could shop for the lowest priced milk. (Chapter 682, Statutes of 1999)

Cosmetic surgery

Problem: Advertisements in newspapers promised near-miracle reconstructions and downsizing/upsizing of various parts of the body through surgeons touted as being highly-skilled in their field of cosmetic surgery field. In fact, patients were often misled about the level of competence of the surgeon, sometimes with fatal results.

SB 450: Contained three provisions: 1) Clarified law regarding use of the term "board certified" in physician advertising; 2) Directed Medical Board to establish guidelines for total volume extracted during liposuction; 3) Waived licensing fees for MD's willing to do unpaid, voluntary service for low income populations. (Chapter 631, Statutes of 1999)

Falling objects at warehouse stores

SB 486: Requires working warehouse stores to protect customers from falling merchandise when stored 12 feet or more above the sales floor. (Chapter 856, Statutes of 2001)

Vehicles

Problem: Recycled Lemons. Vehicle manufacturers bought back problem cars from consumers and resold them without disclosing past problems. The second owners were often plagued with the operational problems that triggered the initial repurchase.

SB 1331: Salvage vehicle reform--Set new restrictions and requirements on the registration of total loss salvage vehicles in order to ensure that unsafe cars are kept off the highways. (Chapter 670, Statutes of 2002)

AB 1381: Provided that a vehicle repurchased by the manufacturer due to customer dissatisfaction cannot be resold or shipped out of state unless accompanied by a specified disclosure form which lists the reasons for the buyback and repairs made to correct cited problems. Vehicles repurchased under the Lemon Law (inability to repair a vehicle over a specific period of time) must have the title branded in the manufacturer's name and a "Lemon Law Buyback" decal placed on the left doorframe. (Chapter 503, Statutes of 1995)

SB 974: Required auto auctioneers to give everyone entering an auto auction a disclosure form detailing the cost of bidder fees, and gave consumers legal protections that were previously available if they bought through a licensed car dealer. (Chapter 672, Statutes of 1999)

SB 1996: Automobile Insurance Purchased At Car Dealer- Required dealers to disclose when auto insurance purchased at the dealer doesn't cover the consumer or meet the standards for mandatory auto insurance. (Chapter 455, Statutes of 2000)

SB 481: Car prices- Required vehicle dealers to display the advertised price of a new or used car on the vehicle itself or to post a list of all advertised vehicles in the showroom. (Chapter 441, Statutes of 2001)

SB 551: Autobody/Insurance Referrals- Prohibited an insurer from requiring that an automobile be repaired at a specific automotive repair dealer, from suggesting a specific automotive repair dealer unless the claimant requested the referral, and prohibits the insurer, if the insured chooses his/her own automotive repair dealer, from limiting or discounting the reasonable repair costs. (Chapter 791, Statutes of 2003)

Home Loans

SB 270: Private Mortgage Insurance. Required a lender or other person making or

arranging a loan, on which private mortgage insurance or mortgage guaranty insurance is maintained, to make certain disclosures about the borrower's potential right to cancel and to specify that cancellation may be based on various factors, including appreciation in property value based on a current appraisal. (Chapter 137, Statutes of 2001)

Problem: Consumers were being stung by undisclosed charges levied after they bought a vehicle touted in direct mail ads or via the Internet.

SB 2060: Requires that auto dealers disclose all add on charges to the price of a car when advertising via direct mail or over the Internet. (Chapter 773, Statutes of 2000)

Funerals

Problem: In the 1990's, thousands of Californians were victimized by unfair business practices and outright fraud committed by owners of funeral homes, crematories and cemeteries. Cemetery plots were resold illegally. Hundreds of thousands of dollars of consumer trust funds were embezzled. The state took control of 11 financially failing cemeteries from mid-1994 through 1995.

Series of Speier bills reform regulation of funerals, burials and cremations.

AB 3746: Funeral directors must provide consumers with printed price lists of goods and services as well as over-the-telephone price information. It is illegal to charge extra for embalming bodies where death was due to an infectious disease or to charge a handling fee when the responsible party supplies a casket from a source other than the funeral home. The funeral director must present the responsible party with a copy of the deceased's pre-need contract. (Chapter 797, Statutes of 1992)

AB 598: The Cremation Standards Act revised all existing law on cremation practices, set standards for training employees, cleaning retorts, storage of bodies and disclosure of information to consumers. The law requires the state to conduct surprise inspections and makes it illegal for a cemetery to take jewelry and mementoes of the deceased before or after cremation without the permission of the responsible party. (Chapter 1232, Statutes of 1993)

AB 910: The two autonomous consumer boards handling funeral, cemetery and cremation matters were dissolved and their functions turned over to the Department of Consumer Affairs. (Chapter 381, Statutes of 1995)

AB 597: The sum of \$2.5 million was provided to the Department of Consumer Affairs to investigate and prosecute cemetery licensees who misused endowment trust funds. The department was allowed to charge a licensee for the full cost of a financial audit when the licensee is delinquent in submitting a financial report to the department.

Related Action. Speier led Assembly Consumer Protection investigations in 1992, 1993, and 1995 which uncovered widespread abuses by the death industry and lax regulation of the industry by the state. The investigations were credited with forcing the resignation of executive officers of the state boards which oversaw the death industry.

In November 1996, the Department of Consumer Affairs reported that as many as 20 private cemeteries might have to be taken over by the state. In 1996, four cemetery licensees were charged with felonies.

Price Discrimination

Problem: Some services, such as dry cleaners, charged women two to three times more than men to clean the same type of shirt. Some department stores charged women for simple

alterations of suits, but they didn't charge men for the same type of work.

AB 1100: Provided that a business may not discriminate against a person based on gender with respect to the price charged for services of a like kind. (Chapter 866, Statutes of 1995)

Related information: 1996 media reports documented that many services, such as dry cleaners, had abandoned the practice of charging women more than men for similar services.

Employment

Problem: Some employers order credit reports to obtain personal information on job candidates. Studies from Consumers Union show that these reports often contain errors.

AB 1102: Provided that if an employer wants to review a person's credit report as part of a job review, the employer must notify the person in writing that his or her credit report had been requested and, if desired, the person will be sent a free copy of his or her credit report at the same time the report is provided to the employer. The report shall not contain information on the person's age, marital status, race, color, or creed. (Chapter 971, Statutes of 1991)

Stockbrokers

Problem: Some stockbrokers earned extra fees for themselves and their firms by trading stocks without the client's permission or by charging excessive fees on trades made. Although these brokers would eventually be subject to discipline by the State Department of Corporations, they would still have an easy time finding work since they were known as high producers.

AB 729: Required a broker-dealer to provide a new client with the phone number of the Department of Corporations where the client

may call to obtain license status and disciplinary information on the broker-dealer. The Department was also required to provide disciplinary information over the telephone and in writing, when requested. (Chapter 469, Statutes of 1993)

Related information: The Department of Corporations reported that requests for stockbroker discipline information skyrocketed after the bill became law.

Insurance

SB 941: Boosted penalties for “rogue” insurance brokers/agents and gave additional enforcement tools to Dept. of Insurance. (Chapter 782, Statutes of 1999)

SB 708: Department of Insurance- Required the Department of Insurance to examine complaints submitted by attorneys, expands a mediation program to include property-only automobile claims, and placed new limits on the ability of an Insurance Commissioner to enter into settlement agreements with insurers. (Chapter 727, Statutes of 2001)

Travel

Problem: Nationally, travel business failures and fraud cost consumers \$12 billion annually. In California, some 40 travel providers went out of business between 1984 and 1995. Law-abiding travel agencies were confronted with rising liability insurance costs and loss of business to disreputable sellers.

AB 918: Requires a seller of travel doing business in California to register annually with the Attorney General. Registration requires proof of how consumer monies are held in trust prior to delivery of services. The annual \$100 fee covers the cost of state audits of travel agencies to insure compliance with trust laws. All sellers located in California must join the nonprofit Travel Consumer Restitution Corporation (TCRC), managed by industry representatives and overseen by the Attorney General. The fund, maintained by

industry fees at a level not to fall below \$900,000, shall be used to compensate Californians victimized by travel fraud and business failures. (Chapter 1123, Statutes of 1994, and amended pursuant to SB 1358, Chapter 52, Statutes of 1996)

SB 736: Sellers of Travel-- Made the sellers of travel consumer protection fund permanent and made several changes to the law to improve its operation. (Chapter 196, Statutes of 2003)

Related information: Hundreds of California travelers who bought tour packages to the Holy Land from Modern Pilgrimages of Orange County left in early 1996 and were shocked to learn that their monies had been lost in what the State Attorney General’s Office described as a “Ponzi scheme.” These travelers will get their money from the TCRC, which first began reviewing consumer claims in May 1996.

Sports Memorabilia

Problem: Dealers sell sports memorabilia without proof that the autographs of sports stars are authentic.

AB 1313: Required a dealer who sells autographed sports memorabilia costing \$50 or more (the compliance threshold was lowered to \$25 in 1995) to provide consumers a written certificate of authenticity signed by the dealer. (Chapter 656, Statutes of 1992)

Internet

Problem: People use the Internet to sell goods and services. In some cases, these sellers are cyber thieves whose only intention is to steal the buyer’s credit card number; in other cases, the seller may not deliver exactly what was ordered by the buyer who cannot find the seller who is in cyberspace. The Federal Trade Commission (FTC) and Internet advocates worry that misuse of the Internet will keep consumers from going on-line.

AB 3320: Required a seller on the Internet to disclose its legal name and address and refund policies to a California buyer in writing, or onscreen at specified locations (upon entering the web site, at point of payment, etc.). Goods and services ordered must be delivered within 30 days, unless otherwise specified prior to payment. (Chapter 785, Statutes of 1996)

Related information: This law, sponsored by the Attorney General and several consumer groups, is the first of its kind in the nation and will be monitored closely by the FTC.

Construction Defects

Problem: The law prohibited the Contractors' State Licensing Board from investigating consumer complaints regarding "latent construction defects" three years after the work was completed. Due to settling of foundations, significant construction problems may not surface until several years after the work is completed. Also, some contractors routinely inserted "fine print" binding arbitration causes into contracts to preclude consumers from filing suit when disputes arise. The board receives over 30,000 complaints annually.

AB 3302: Increased the statute of limitations from three to ten years, and a contractor who offers a consumer a contract with an arbitration clause must clearly disclose the fact that arbitration will limit the consumer's ability to have a dispute resolved in court. (Chapter 1135, Statutes of 1994)

Related information: Speier led Assembly Consumer Protection Committee hearings in 1993 where more than 500 consumers came forward with complaints about regulation of contractors. The Board revised 10 administrative policies to improve consumer protection as a result of the hearings.

900-Number Sweepstakes

Problem: Consumers are enticed to call high-cost 900-numbers to find out if they have won a prize promoted in a direct mail letter. The prizes are worthless.

AB 2746 and AB 851: Require operators of 900-number sweepstakes to register annually with the Attorney General and to conspicuously disclose odds of winning and cost of phone calls in any promotion. Any 900-number service must be in the same language as the add which promotes the use of the number. Calls to toll-free numbers which connect the caller to 900-numbers are illegal unless the caller is informed before hand that the free call involves a pay call. (Chapter 933, Statutes of 1992; Chapter 628, Statutes of 1993)

State Consumer Boards

Problem: State Consumer Boards cannot afford the cost of prosecuting licensees.

AB 3745: Authorizes an administrative law judge to find that a licensee of a state board under the Department of Consumer Affairs is liable for the board's investigative costs when the licensee is found to be in violation of a licensing law. (Chapter 1059, Statutes of 1992)

Related information: The cost recovery law enabled the Board of Accountancy to recoup over \$1.3 million in investigative expenses during its exhaustive audits of licensed firms involving in the Lincoln Savings and Loan scandal.

Giving Taxpayers More Value From Government

Medi-Cal Fraud

SB 857: Medi-Cal Fraud --- Made numerous changes to the Medi-Cal program to substantially reduce provider fraud, including establishing new Medi-Cal application requirements, specifying grounds for terminating a provider from the Medi-Cal program, limiting physician supervision of other providers, and requiring patient and provider signatures to document the furnishing of prescription drugs and clinical laboratory services. (Chapter 601, Statutes of 2003)

SB 413: State auditor/whistleblowing- Required state agencies to either discipline employees found to be engaged in illegal activities or to explain to the State Personnel Board why a person will not be disciplined, and required all state offices to post a notice about how to report improper governmental activities and (Chapter 883, Statutes of 2001)

Problem: State and local agencies are financially burdened by laws requiring that over 2,200 reports be prepared and submitted to the Legislature for review.

AB 2824 and AB 116: Established procedures where the Legislature and the Administration identify the most critically needed reports. For example, AB 116 allowed 1,300 reports to be delayed until October 1999, while specifying 353 reports that must be done on time. (Chapter 710, Statutes of 1992; Chapter 970, Statutes of 1996)

SB 1191: Obsolete Reports- Eliminated 275 obsolete reports required under law.(Chapter 745, Statutes of 2001)

Related information: These laws have helped state agencies save over \$30 million in expenses (as of 1996) related to preparation of reports deemed not critical to public health and safety.

State Personal Income Tax

SB 1724: Child care tax-- Conformed California law to federal law on the subject of the child care tax credit. (Chapter 824, Statutes of 2002)

SB 285: Innocent Spouse Tax Reform-This bill provided that, in certain cases, if an individual receives income tax relief under the federal innocent spouse provisions, that individual would also receive income tax and penalty relief under the state innocent spouse provisions. (Chapter 370, Statutes of 2003)

Problem: To shield facts about income from a spouse, the other spouse forges her/his signature on the personal income tax return.

AB 3045: Makes forging a spouse's signature on an income tax return a misdemeanor and requires the following statement to be printed on state personal income tax forms: "It is unlawful to forge a spouse's signature." (Chapter 727, Statutes of 1990)

SB 603: Franchise Tax Board/credits cards/interest: Allowed the FTB to eliminate interest that would otherwise be charged when IRS loses a payment and this impacts an FTB obligation, and required the FTB to allow payment by credit card. In some cases, credit card interest rates are lower than FTB interest rates. (Chapter 203, Statutes of 1999)

Defaulted Student Loans

Problem: The Student Aid Commission (SAC), which guarantees student loans, is

overrun with defaulted student loans totaling more than \$3.2 billion. Some debtors, according to the Franchise Tax Board (FTB), have incomes of over \$100,000. In fact, one debtor earned over \$546,000 in one year, but scoffed at paying a \$2,700 delinquent student loan.

AB 255: Required the SAC to use the collection powers of the FTB to track down hardcore student loan debtors. The FTB estimates that it will collect \$20 million the first year and \$55 million each year after. The collection efforts start in 1997. (Chapter 1011, Statutes of 1996).

Drivers Licenses

Problem: People complain about having to visit DMV offices while DMV says it is losing money on the issuance of four-year driver's licenses. There are 19.5 million licensed drivers in California.

AB 2352: Provided, effective January 1997, that a four-year driver's license will be issued for five years with two renewals allowed by mail for good drivers- 15 years between visits to DMV for those who prefer to renew by mail. (Chapter 1043, Statutes of 1996)

Related information: DMV says the new law will allow it to save \$10.6 million.

Legal Services for State Agencies

Problem: State agencies spend over \$50 million annually on private legal services. In many cases, these agencies should have used the services of the Attorney General (AG) since the cost of using the AG is one-third to half that charged by private firms.

AB 3458: Required a state agency to prove to the Department of General Services (DGA) that it has the consent of the AG to contract out for private legal services. DGA is responsible for approving legal contracts. (Chapter 386, Statutes of 1986)

Employment Taxes

Problem: Many employers of household help find it difficult to wade through complex employment tax documents and to properly pay employment taxes. Additionally, small businesses with five or fewer employees are also confronted with employment tax forms which "tax" their limited resources.

AB 2979: Allowed employers to call the Employment Development Department and to use an automated phone system to determine the amount of tax due. The bill was known as the "Make It Easy On the Family and Small Business Act." (Chapter 255, Statutes of 1996)

Credit Card Payments To State Agencies

Problem: Most businesses, except the State, allow consumers to use credit cards to buy goods and services.

AB 1374: Required, effective January 1, 1997, that state agencies accept payment by credit card. (Chapter 926, Statutes of 1995)

Auto Insurance

Problem: California law requires that vehicle owners carry proof of financial responsibility (i.e., auto insurance), but it did not require DMV to determine if a vehicle owner had insurance when the vehicle registration was renewed. Law enforcement was allowed to ask for proof of insurance only when a vehicle was involved in a traffic accident which caused damage. As a result of California not enforcing the auto insurance law, an estimated 28% of California motorists were uninsured. The cost of uninsured drivers to insured drivers was \$1 billion to \$2.3 billion annually, and California's Medi-Cal system (health care for the poor) was being billed about \$250 million annually for auto-related injuries. Additionally, uninsured motorists involved in accidents had 72% more accidents than insured drivers of the same

age, and up to eight times more serious traffic violations.

AB 650: Effective January 1, 1997, prohibited DMV from renewing a vehicle registration if the owner could not prove to DMV that he or she had auto insurance. Additionally, the police were allowed to ask for proof of insurance in the course of making a traffic stop (i.e. the driver did not have to have been involved in an accident to trigger a proof of insurance request). The ticket for the first offense of not having insurance was set at \$500, with a \$1,000 fine for later offenses.

Related information: AB 650's sunset clause was abolished pursuant to later enacted legislation, except that the sunset (currently January 1, 2007) was maintained in Los Angeles and San Francisco counties where two pilot programs offering low income households low cost auto insurance were enacted. The first and second offense fines were also cut in half. As a result of AB 650, the percentage of accidents in California involving uninsured automobiles has plummeted from 24% in 1996 (the last year before the law became effective) to 15% in 2002.

SB 527: Low Cost Automobile Insurance for persons with household incomes of 150% or less of federal poverty level. (Chapter 807, Statutes of 1999)

SB 652: Proof of automobile insurance at time of registration renewal or during a traffic stop- Permanently requires proof of automobile insurance for vehicle registration renewal or at a traffic stop, except in Los Angeles and San Francisco counties where the requirement expires on the same date as the pilot low cost auto insurance programs if not extended through later legislation. (Chapter 880, Statutes of 1999)

SB 180: Proof of automobile insurance-- Continued, until at least 2007, the law requiring Los Angeles and San Francisco drivers to provide proof of automobile

insurance when renewing vehicle registration or when stopped for a traffic violation. The law is permanent throughout the remainder of the state. (Chapter 666, Statutes of 2002)

Preventing a Water Catastrophe

SB 1870: Hetch Hetchy seismic safety-- Created the San Francisco Bay Area Regional Water System Financing Authority in order to create a source of funding for the seismic retrofitting of the Hetch Hetchy water system. The Hetch Hetchy system provides water to 2.4 million users in the San Francisco Bay Area. (Chapter 848, Statutes of 2002)

Entertainment Perks for State Officials

Problem: The law allowed the Lieutenant Governor, Attorney General, Controller, Secretary of State, Superintendent of Public Instruction, Treasurer, and Chief Justice of California to each spend up to \$10,000 annually on entertainment. At a time when services to the public were being cut due to budget shortfalls, the expenditure of taxpayer funds on office parties is not appropriate.

AB 1921: Repealed the entertainment perk law for the state officials mentioned above (Chapter 718, Statutes of 1994)

Marriage Licenses

Problem: A 50-year-old state law required that a public marriage license could not be issued unless the couple submitted to a blood test to determine if either person had syphilis or, in the case of a woman, if she had congenital rubella. Due to medical advances, reports of syphilis and rubella were extremely rare and, consequently, public health officers and the California Medical Association urged the Legislature to abolish the test which cost marriage hopefuls \$30 million annually while producing negligible gains in healthcare.

AB 3128: Eliminated the marriage blood test (Chapter 197, Statutes of 1994)

Fighting Corruption

SB 2107: Ban Insurance Settlement Foundations- This bill grew from the scandals that plagued the Department of Insurance under a former Insurance Commissioner. The bill prohibits the Insurance Commissioner from setting up private foundations funded by money obtained through the settlement of accusations against insurers. Under this legislation, only penalties authorized in statute may be imposed. (Chapter 1091, Statutes of 2000)

SB 80: Department of Insurance- Required the Department of Insurance to establish a conflict-of-interest code for the Conservation and Liquidation Office- the office managing hundreds of millions of dollars in assets from defunct insurance companies. (Chapter 630, Statutes of 2001)

Residential Building Permits

Problem: Local government agencies could delay issuing residential building permits for as many as 50 days. Builders and homeowners complained that these delays increased construction costs.

AB 3101: Reduced the excessive delay period to 30 days. (Chapter 839, Statutes of 1992)

Lunch Hours

Problem: People needing to do business with the state during their lunch hour are confronted by locked doors—state workers are on lunch break as well.

AB 3167: Required state offices to provide over-the-counter information to the public during the lunch hour. (Chapter 1506, Statutes of 1990)

Sexual Harassment

Problem: Before the 1980's, sexual harassment was virtually unrecognized as a violation of civil rights. As more women entered the work force, the number of sexual harassment complaints increased. California's Department of Fair Employment and Housing receives 1,800 complaints annually and reports that sexual harassment is the largest growing type of discrimination in the state. Nationally, polls show that 40% of women say they have been the victims of sexual harassment.

AB 2264: Required all employers to provide sexual harassment information to employees, including facts on what constitutes sexual harassment, its illegality, examples of sexual harassment and a description of the employer's internal complaint process and the legal remedies available to victims of sexual harassment. (Chapter 908, Statutes of 1992)

Related information: The California Chamber of Commerce produced a popular information packet on how to comply with the law and how to prevent sexual harassment in the workplace.

Smoking in State Buildings

Problem: Tobacco smoking kills. The economic losses (death, illness) to California due to exposure to tobacco smoke exceeded \$7 billion in 1993.

AB 291: Banned smoking in all state buildings, including the campuses of the University of California. (Chapter 1211, Statutes of 1994)

Business

Workers Compensation

SB 354: Workers' Compensation Insurance. \$1.5 billion in annual savings and \$2 billion in one-times savings first proposed by SB 354 were incorporated into SB 228 & AB 227, including caps on chiropractic and physical therapy services, using independent second opinions/or standards of care for critical medical necessity decisions, setting aside the treating physician presumption of correctness, and banning the referral by surgeons to physician-owned outpatient surgical centers.

SB 1007: Workers' Compensation- Allowed manufacturers to organize into a group for purposes of being rated for workers' compensation insurance. (Chapter 641, Statutes of 2003)

SB 2093: Workers compensation and underwritten title companies-- Strengthened the workers compensation system by creating new standards governing reinsurance, and established new consumer protections when smaller title companies "underwritten" by larger carriers go bankrupt. (Chapter 899, Statutes of 2002)

Women-owned Businesses

Problem: Even though women own over 900,000 businesses in California, they still face more obstacles than men in securing capital needed to start or expand business ventures.

AB 1488: Created the California Council to Promote Business Ownership by Women within the Department of Commerce. The council is charged with finding ways to improve access to capital and other forms of technical help for women-owned businesses. (Chapter 1081, Statutes of 1992)

Honest Health Insurance Estimates by the Legislature

Established a rule that the cost of proposed health care mandates must first be estimated by the University of California before being passed by the Legislature, rank-ordered proposed mandates and selected those with greatest "bang-for-the-buck."

Children: Their Health, Education & Well-Being

Perinatal Substance Abuse

Problem: Every year in California, approximately 59,000 infants are exposed to alcohol or drugs during their mother's pregnancy. These infants suffer from a range of birth defects, retardation and learning disabilities. Thousands of these expectant mothers ant help with drug and alcohol recovery but are unable to get it due to the severe shortage of available programs.

AB 3010: Created the Office of Perinatal Substance Abuse to unify al state efforts an to assist local agencies in the fight against perinatal substance abuse. (Chapter 1688, Statutes of 1990)

Related information: California operates 215 perinatal substance abuse programs which serve approximately 9,000 women accompanied by 13,500 children (birth through age 17) annually. Since the program's inception, 35,000 women and 52,500 children have received substance abuse treatment services.

Learning Disabilities

Problem: One out of five children in California has a specific learning disorder, primarily dyslexia or attention deficit

disorder, but California school teachers lacked teaching methods to identify and help these children. Left untreated, these children often become adult illiterates and societal drop-outs.

AB 3040: Required the State Department of Education to set guidelines for the identification and treatment of students with learning disabilities. (Chapter 1501, Statutes of 1990)

Related information: The “I Can Learn” handbook, published in 1995, is the direct result of this law. The book is considered a critical step in increasing California’s ability to identify children with dyslexia and other learning disorders. With this document, California can launch new programs to effectively reduce reading problems in our public schools and assist children and their families before it’s too late.

Children’s Health & Safety

Problem: State funding for children’s safety programs fell victim to budget cuts despite the fact that each year in California nearly 3,000 children are killed in preventable accidents—that is equivalent to wiping out the entire population of eight elementary schools each year. Nearly 500 children are killed in drowning accidents, over 1,180 are killed in traffic accidents, over 205 are killed in fire-related accidents, over 48 are killed by poisoning accidents, over 70 are killed by firearm accidents, over 130 are killed in bicycle accidents, and over 100 are killed through child abuse. Additionally, California’s state budget for child care health and safety licensing has been slipping dramatically by not keeping up with the numbers of licensed facilities, the increasing numbers of children, or standards necessary to ensure all licensed facilities are safe for California children.

AB 3087: Created the California Kids’ Plates, the nation’s first personalized license plates to utilize moveable symbols (heart,

hand-print, star or plus-sign) to create personal messages. Monies from the sale of Kids Plates are earmarked for expenditures on (1) inspections of licensed family day care centers; (2) child abuse prevention; (3) children’s injury prevention. (Chapter 1316, Statutes of 1992)

Related information: To date, nearly \$1 million has been generated by the Kids’ Plate program. Kids’ Plates are available at any DMV office. For information, call 1-800-HEY-KIDS.

Problem: Residential pool drowning is the leading cause of accidental death for children, ages 1 – 4. Every year in California more than 75 young children drown in backyard swimming pools. For every child who drowns, four survive near-drowning experiences but are forever hindered by serious neurological disorders. The financial cost of drowning and near-drowning to families and taxpayers is substantial. The lifetime costs for a child with a near-drowning brain injury is estimated to be \$4.5 million. Currently, California houses approximately 100 of these children in state hospitals at a cost of \$125,000 a year per child.

AB 3305: The Swimming Pool Safety Act required all new, private residential pools built after January 1, 1997, to be designed with one of five safety features: (1) child resistant safety fence; (2) pool cover; (3) exit alarm on doors with direct access to pool area; (4) self-closing/self-latching doors with direct access to the pool; or (5) new technologies as approved by local building officials. Additionally, the bill requires sellers of homes containing a swimming pool or spa to disclose whether or not a child-resistant barrier or a locking safety cover exists for the pool or spa. (Chapter 925, Statutes of 1996)

Related information: Similar legislation enacted in other states, countries and local jurisdictions has resulted in a 50% decrease in

drowning fatalities, not to mention the prevention of near-drowning incidents.

Problem: Nationwide, more than 1,000 children are injured every month in crib accidents. In 1993, eight children died in unsafe cribs in California- second only to Florida, with 13 deaths. The 13,000 children involved in crib accidents every year are injured seriously enough to require hospital treatment. Health care costs resulting from crib injuries are estimated at \$235 million per year. Typical hazards posed by these unsafe cribs include: large corner posts, large spaces between side slates, mattress supports that can be easily dislodged, cutout designs, loose hardware or sharp edges all of which are in violation of existing federal safety standards. Older cribs, those manufactured prior to the development of safety standards, pose the greatest risk.

AB 3760: The Crib Safety Act, prohibited a commercial entity from selling or transferring cribs that do not conform to federal safety standards. (Chapter 1176, Statutes of 1994)

Problem: Head trauma is known to be the most frequent cause of permanent disability and death among abused young children. Infants are especially vulnerable to head injury because their heads are disproportionately large and their neck muscles are not developed enough to withstand whiplash motions. Brain damage is common in "Shaken Infant Syndrome" cases, and often manifests itself in mental retardation or permanent learning disabilities. Prevention of a single case of long-term disability due to shaking not only relieves the family and community of serious emotional, social, and physical consequences but results in an estimated savings of \$300,000 in the first five years of a child's life.

AB 3760: Created a statewide public awareness campaign surrounding the dangers of shaking an infant. The campaign is aimed at parents of newborns and care providers. (Chapter 1176, Statutes of 1994)

Recent information: The Department of Health Services, in conjunction with the California Consortium to Prevent Child Abuse, developed an effective brochure which is currently being provided to parents of newborns as well as licensed day care personnel. Research indicates that providing information about the dangers of shaking and appropriate ways to manage crying prevents cases of Shaken Baby Syndrome.

Problem: More than 100 children die in California each year from child abuse-related injuries. Fatal child abuse is a national problem growing at an alarming rate. A minimum of three children per day are reported as victims of fatal child abuse. Of the dozens of child homicides occurring in Los Angeles County in 1992, more than 60% of the victims were under the age of two years and only two victims were above the age of four. As most cases of child abuse deaths arise out of conduct in the home, they are factually difficult for the police to investigate and for the D.A. to prosecute. Further, in cases with identical facts and circumstances, a defendant may be prosecuted for murder in one county and involuntary manslaughter in another county due to lack of uniformity in state law.

AB 27X: Specified that any person who physically assaults a child under eight years of age is punishable for a term of 15 years to life in state prison. (Chapter 47, Statutes of 1994)

Problem: Between 1990 and 1992 there were 11 boating fatalities involving California children. California law required that an approved "Personal Flotation Device" (life jacket) be provided for every passenger on moving vessels. However, there was no requirement that the life jackets be worn. Children are especially vulnerable because they do not possess the motor skills necessary to put on a PFD in an emergency situation.

AB 1856: Required that all children under the age of seven years old wear a federally-

approved Personal Floatation Device on boats 26 feet long or less. (Chapter 996, Statutes of 1993)

Problem: Nationwide, every year more than 25,000 children are treated in hospital emergency rooms for injuries suffered while using baby walkers. Baby walkers are associated with more injuries than any other baby product on the market today. A child in a baby walker has the capacity to move as quickly as five feet per second. Between 1989 and 1991, six deaths related to baby walker use were reported and the actual number may be even greater given the likelihood of under-reporting. Unsupervised children are particularly at risk of injury.

AB 1858: Prohibited the use of baby walkers or related products in state licensed day care facilities or family day care homes. (Chapter 336, Statutes of 1993)

Problem: the law allowed a birth parent who consents to giving her/his child up for adoption to have 120 days to revoke that consent. The waiting period, which was highly traumatic for adopting parent(s), was considered too lengthy.

AB 3336: Shortened the waiting period to 90 days. (Chapter 585, Statutes of 1994)

SB 42: Child Safety Seats- Established the toughest child passenger safety seat law in the nation, requiring children to remain in safety seats until they either weighed sixty pounds or were at least six years of age. (Chapter 84, Statutes of 2001, & SB 567, Chapter 675, Statutes of 2000)

SB 255: Unattended Children In Cars- Makes it unlawful to leave a child six years of age or younger to remain in a vehicle unattended when it presents a significant risk to the child or when the engine is running, and authorizes a fine of \$100 if the child is placed at risk. 31 young children died in cars the five years prior to passage of this bill, from various causes including carbon monoxide poisoning

or being struck by vehicles, and other causes of death caused by lack of oversight by others. (Chapter 855, Statutes of 2001)

SB 1818: Missing Children, DNA Database- Created a DNA database that will compare DNA from missing children to that taken from remains. A positive identification will bring closure to families, and may even help solve abduction cases. (Chapter 822, Statutes of 2000)

Fluoridation

Problem: Tooth decay is often overlooked in many public health dialogues, but it is a serious economic health problem that affects 90% of the population. 2/3 of the \$650 million Denti-Cal program is spent on restorative dentistry that can be largely avoided through water fluoridation, saving California taxpayers hundreds of millions of dollars.

More than 145 million Americans, 62% of the nation, enjoy the benefits of fluoridation. California ranked 47th in the nation in terms of fluoridation, with only 17% of eligible residents being provided fluoridation's benefits.

AB 773: Put California in line with the U.S. Public Health Services' national campaign to provide fluoridated water to 75% of all Americans by the year 2000. The law authorizes the fluoridation of California's water systems as part of a statewide public health initiative and ultimately requires fluoridation of systems with 10,000 or more connections (approximately 25,000 population). It requires the Department of Health Services to adopt regulations regarding permissible concentrations of fluoride and other necessary safeguards to ensure a successful fluoridation program. (Chapter 660, Statutes of 1995)

Related information: A state task force, headed by the Department of Health Services, has been created to investigate the

implementation and funding source for the fluoridation program.

Domestic Violence

Problem: Battering is the single major cause of injury to women. Divorced and separated women, who comprise only 10% of all women, account for 75% of all battered women, and they are battered 14 times as often as women still living with their partners. It is disconcerting that significantly more battered women seek medical attention after separation than during cohabitation. The Department of Justice has documented that separation assault-- domestic violence which occurs after the victim has left the abuser, accounts for 75% of all calls for law enforcement intervention. Only Superior Court judges could issue restraining orders.

AB 935: Authorized what were, at the time, Municipal Court judges to issue temporary restraining orders when relief could not be obtained in a timely manner from a judge of the Superior Court, thus greatly expanding the hours during which a temporary restraining order may be issued. AB 935 also gave courts discretion in determining whether or not an order may be made permanent, thus saving the courts time while sparing a victim from having to return to court to face her abuser again. (Since this bill was passed, Superior and Municipal courts have been combined in California.) (Chapter 907, Statutes of 1995).

SB 563: Expanded the relationships covered by felony domestic violence statutes to include former spouses and cohabitants. (Chapter 660, Statutes of 1999)

SB 564: Spousal abuse training-- Required minimum annual training of licensed mental health professionals in the recognition and treatment of spousal abuse. (Chapter 481, Statutes of 2002)

Problem: Many victims of stalking have had their addresses and phone numbers tracked through DMV records.

AB 3454: Prohibited the DMV from releasing registration or driver's license records of a person who submits verification that he/she has reasonable cause to believe he/she is the subject of stalking. (Chapter 395, Statutes of 1994)

Problem: Victims of stalking and domestic violence consistently have difficulty obtaining protective orders due to the limited number of officers who have authority to request Emergency Protective Orders (EPO's). Furthermore, EPOs expired within two court days.

AB 284: Authorized officers from the California Highway Patrol, the California State Police, the University of California Police Department, and the California State University College Police Departments to request EPOs where there is a danger of domestic violence or where a child is in danger of abuse. Further, the law extended the duration of EPOs by providing that an EPO expired no sooner than the close of judicial business on the fifth court day, but no later than the seventh calendar day following the day of its issuance. (Chapter 583, Statutes of 1993)

Problem: Although many abused women visit physicians repeatedly with increasingly severe physical trauma, the medical community had been inconsistent in reporting the abuse to violence prevention specialists and the police. It was estimated that 35 of the women who visit hospital emergency departments are there for symptoms of ongoing abuse. Another study found that physicians made no response to the abuse in 40% of the cases where the physicians interacted with battered women in an emergency department setting. Studies have further indicated that pregnant women are particularly vulnerable to abuse, which can

have serious ramifications for both the mother and her unborn child.

AB 1652: Required health care practitioners to report suspected domestic violence against patients. The new law also allows for documentation of the ongoing nature of the violence and encourages necessary interventions for the women. (Chapter 992, Statutes of 1993)

Child Support Enforcement

Problem: Existing law required a custodial parent on AFDC (currently known as TANF) to spend a minimum of 30 hours a week in job search, job training and/or employment. Recipients of AFDC with children over three years of age were required to participate. However, there was no participation requirement for unemployed non-custodial parents whose children received AFDC. Only about 4% of non-custodial parents of AFDC children paid child support.

AB 932: Authorized courts to require either the custodial or non-custodial parent to attend job training, job placement, vocational rehabilitation or work programs, as designated by the court, in order to make them more saleable in the job market. (Chapter 490, Statutes of 1996)

Problem: The child support enforcement process was time consuming and confusing. Additionally, if parents lived in different counties, the process was made even more difficult by the fact that there was no uniformity among counties. Parents not represented by counsel were particularly disadvantaged.

AB 1058: Required courts to utilize commissioners to hear Title IV-D cases and to create a family law facilitator to assist people through the process. This new office will provide education, information, forms and assistance to all parents with child support issues in district attorney cases and private family law actions. Additionally, the law

eliminates many differences between counties in the way cases are handled. New procedures and forms will be designed to make the courts more accessible to parents who are not represented by counsel and to significantly speed the processing of cases. The law further required courts to adopt a uniform expedited process for child support cases handled by local district attorneys and to utilize commissioners as hearing officers in local courts. The use of commissioners will enable the state to obtain 66% federal spending. (Chapter 957, Statutes of 1996)

Problem: Many child support obligors are avoiding payment through ingenious ways. In some cases, arrangements are made with employers to pay wages "under the table" so that they cannot be attached. Furthermore, an obligor may simply transfer the title of his or her property to a relative so that a lien cannot be placed against the property. Establishing paternity in child support case is often difficult. Currently, a Declaration of Paternity is simply evidence of paternity, and parents are forced to go to court to legally establish paternity. Only Medi-Cal eligible children are eligible for insurance coverage if a non-custodial parent owes child support.

AB 1832: Doubled maximum civil penalties (from \$500 to \$1,000) that may be imposed upon an employer for failure to provide relevant employment information to the district attorney regarding enforcement of a support order. The law revised procedures relative to "Voluntary Declarations of Paternity," including requiring the father to sign the declaration prior to allowing him to sign the birth certificate. This signed declaration constitutes a judgment of paternity without the need for ratification by the court. The law also required employers and health insurance plans to cooperate in providing health insurance coverage for children receiving child support. (Chapter 1832, Statutes of 1996)

Problem: California drivers owe child support.

AB 257: Required that a driver's license not be renewed or issued if the driver is delinquent in making child support payments. The law also required a district attorney to provide an administrative review of the arrearage if the obligor protests the action against the license. (Chapter 481, Statutes of 1995)

Related information: As of August 1996, 115,365 notices of revocation of California Drivers Licenses have been mailed.

Problem: Professional licensees who owe child support continued to work without fear of penalty. There were no penalties in the law to encourage professionals to pay their support orders.

AB 1394: Prohibited the renewal or issuance of a professional license if the applicant or licensee is not current in his/her child support. (Chapter 50, Statutes of 1992)

Related information: Since the enactment of this legislation, 155,232 suspension notices have been mailed (through 1996). It was estimated that one in three notices resulted in an actual revocation of a license, and the average amount of unpaid child support collected in each case is \$1,000. The law was extended indefinitely by Speier's AB 923, Chapter 906, Statutes of 1994.

Problem: The Franchise Tax Board (FTB), the state's most effective collection agency, had no authority to track down parents who failed to pay child support.

AB 3589: Created a six-county pilot project allowing the district attorneys to use the FTB to collect child support. The law allowed FTB to treat child support delinquencies as tax delinquencies for child support collection purposes. The FTB issued levies against bank accounts, wages commission payments, rents and royalties, and the FTB can seize both real and personal property. (Chapter 1223, Statutes of 1992)

Related information: The FTB has collected over \$100 million through this program, as of June 1996. The program was expanded to include all counties with enactment of Speier's AB 923, Chapter 906, Statutes of 1994.

SB 240: Child support reform- Made substantial changes to child support in California, including expanding the number of existing efforts to locate parents, enforce support orders, and establish paternity. (Chapter 652, Statutes of 1999)

Quality Health Care For All

Problem: Nearly 4 million Californians lack health insurance. Pain, preventable disease, losses to the economy, and public health expenses are exacerbated when persons lack access to basic health care.

SB 2: (Burton/Speier)- Required that employers provide health insurance to employees under specified circumstances, and was expected to cover over 1 million Californians with health insurance by 2006. Universal Health Coverage (Chapter 673, Statutes of 2003)

Emergency Room Violence

Problem: A survey of over 100 California hospitals revealed that 58% of respondents reported injuries to staff, visitors or other patients related to violent acts; in 41% of the cases, the weapon used was a gun. Another study of over 1,200 emergency room nurses found that nearly 70% of emergency room nurses reported at least one assault during their career, and 36% of the nurses had been assaulted at least once during the prior year.

AB 508: Required all hospitals to conduct a security and safety assessment plan to protect personnel, patients, and visitors. All

hospitals are required to report any assault or battery to local law enforcement within 72 hours. All hospital employees assigned to the emergency department will receive training on how to handle emergency room violence. (Chapter 936, Statutes of 1993)

Health Clinic Violence

Problem: Across the nation, health clinics have experienced increasing violence in the form of bombings, vandalism, death threats and clinics doused with acid. In 1994, this violence resulted in the death of several health practitioners who provided services to men and women.

AB 600: Fights harassment at health facilities by creating a new tort of “commercial blockading” and allows financial compensation from persons convicted of prohibiting access to health care facilities. Individuals who are harassed, ridiculed or denied access to services that are constitutionally protected are now able to seek civil damages against perpetrators. (Chapter 1193, Statutes of 1994)

Office of Women’s Health

Problem: California had a variety of new programs to target women’s health issues such as teen pregnancy, prenatal care, AIDS intervention, and family violence. While these programs yielded very tangible results for women, the state was developing a patchwork of services without a coordinated vision for women’s health care in California and the nation.

AB 2200: Established the Office of Women’s Health within the Department of Health Services. The office coordinates women’s health pilot and planning projects funded by the state; identifies unnecessary duplication of services and future service needs; and serves as a clearinghouse for information regarding women’s health data and programs. The law also sets up an interagency task force to coordinate all the disparate agencies and

departments working on women’s health care issues. (Chapter 760, Statutes of 1994)

Surgery Centers

Problem: According to the Federal Office of the Inspector General, over half of all surgery traditionally performed in regulated hospitals is now being performed in unregulated, outpatient settings. Rapid technological advances coupled with the emphasis on health care cost containment has propelled the growth of outpatient settings. For the past several years, the Medical Board of California received an increasing number of complaints involving procedures performed in unregulated outpatient settings where anesthesia was used. Often, these facilities were neither equipped nor qualified to handle emergencies arising from the use of anesthesia.

AB 595: Required outpatient settings not currently licensed or certified by the state or federal government and which use significant levels of anesthesia, to acquire accreditation from an organization approved by the Medical Board of California. The accreditation process must include review of staffing, emergency medical equipment, hospital transfer protocols, peer review, clinical records, facility safety, patient care and monitoring, quality assessment and improvement. (Chapter 1276, Statutes of 1994)

Related information: The Medical Board of California has thus far approved three separate entities to perform accreditation services for outpatient settings.

Osteoporosis Screening

Problem: Many insurers failed to provide coverage for the prevention of osteoporosis, a bone thinning disease that affects over 25 million Americans, mostly women. Each year, osteoporosis is responsible for 1.5 million bone fractures leading to 50,000 deaths. The direct medical cost to treat

osteoporosis is about \$35,000 per patient, or \$10 billion per year.

AB 547: Required insurers to cover the costs of bone mass measurement technologies in order to detect, manage, and treat osteoporosis. Since there is no cure for osteoporosis, prevention, early diagnosis, and treatment are the only ways to begin to stem this imminent epidemic. (Chapter 1208, Statutes of 1993)

Breast Cancer

Problem: One out of nine women will have breast cancer at some point in her life, yet little research has been undertaken to understand the causes, prevention and cures for this life-threatening disease.

AB 2652: Added a check off to the state income tax form to allow taxpayers to earmark refund money for breast cancer research. (Chapter 780, Statutes of 1992, and Chapter 484, Statutes of 2002)

Related information: Over \$1 million has been raised from the income tax check-off for breast cancer research.

Cancer

Problem: Although many cancer patients would benefit from participating in clinical trials of promising new cancer treatments, HMO and PPO insurance did not cover ordinary medical care needed to participate in these cancer trials.

SB 37: Required health plans to cover the costs of a cancer patient's participation in clinical trials. Prior to passage of this bill, cancer patients who might otherwise benefit from participating in life-saving clinical trials often couldn't participate because their associated health care costs wouldn't be covered by health insurance. (Chapter 172, Statutes of 2001)

Prescription Drugs

Problem: Popular prescription drugs, such as Xanax and Valium, used to combat depression and panic disorders, were found to trigger dependency after long-term use. Prescribing rules for this class of drug, known as benzodiazepines, were lax despite medical evidence that these drugs produced serious side effects.

AB 1188: Tightened prescribing rules for benzodiazepines by requiring physicians to sign any refill prescription, as opposed to the use of a rubber stamp, and by limiting refills to a 120-day supply. (Chapter 592, Statutes of 1991)

Deadly Doses

SB 1884: Ephedra-- Made it a crime to sell ephedra products to minors, and required a warning label on the products so that consumers can understand the significant health risks associated with these products. (Chapter 1005, Statutes of 2002)

SB 582: Ephedra Ban- Prohibited the sale or distribution of any dietary supplement products containing ephedrine group alkaloids (Chapter 903, Statutes of 2003)

Organ and Tissue Banks

Problem: Californians were justifiably concerned about complications and death which could result from disease and allergic reactions directly attributed to transplanted tissue. The State Department of Health Services had documented that tissue from living and deceased donors had been implicated in the transmission of AIDS, Hepatitis, Crutzfeldt Jakob Disease, Rabies, and other infectious diseases.

AB 2209: Insured safe and effective transmission and transplantation of human tissue banks licensure program for the licensure and inspection of all facilities which

procure, test, lab, store or distribute tissue to be used for human transplantation. (Chapter 801, Statutes of 1990).

SB 112: Each year, 5,000 Californians die waiting for donations that never arrive because so few people know how to donate or because survivors of accident victims will not consent to donations that the victims themselves would have approved of. This bill repealed the requirement that the Health and Human Services Agency establish and maintain the California Organ and Tissue Donor Registry (SB 108, Speier, Chapter 740, Statutes of 2001) and instead authorized California organ procurement organizations to establish a not-for-profit organization known as the California

Organ and Tissue Donation Registrar (Chapter 405, Statutes of 2003)

AIDS Early Intervention

Problem: The HIV/AIDS epidemic exploded in California, requiring a multifaceted public health response to needy communities and emerging risk groups. In 1994, AIDS was the leading cause of death among Californians between the ages of 25 to 44 and the second highest cause of premature death in California.

AB 1600: Established a statewide program of AIDS early intervention projects that provide long-term services- counseling, laboratory follow-up and treatment for Californians infected with the HIV virus. (Chapter 949, Statutes of 1989).

Related information: California now has 17 early intervention programs; three recently began serving rural counties. The AIDS early intervention programs have helped approximately 11,000 people with HIV.

Immunizations

Problem: HMO contracts gave doctors little or no compensation to help pay for immunizations needed by children. In one incident, a California doctor was convicted of watering down immunizations given to children in his practice.

SB 168: This bill removed vaccines from capitated contracts, and therefore recognized that immunizations are public health issues and should not be subject to placing providers at financial risk. The bill also required that vaccines be treated on a fee-for-service basis. (Chapter 845, Statutes of 2000)

SB 244: Emergency Room Coverage- Revised and expanded existing "continuity of care" laws under which a health plan is required, under certain circumstances, to allow an enrollee to continue to see a health care provider who is no longer contracting with the plan. (Chapter 590, Statutes of 2003)

SB 260: HMOs/financial solvency- Created sweeping changes protecting patients by ensuring the fiscal solvency of HMOs and medical groups through stringent standards regarding rates, contract provisions and audits. (Chapter 529, Statutes of 1999)

SB 265: (Health Care Coverage-HIPPA Compliance)- Revised existing law to conform to the federal Health Insurance Portability and Accountability Act (HIPPA), including requiring a health care service plan or disability insurer to issue coverage to federally eligible individuals who were previously covered under a group contract for 18 months. (Chapter 810, Statutes of 2000)

SB 283: Healthy Families-- Allowed health plans to assist applicants to the Healthy Families program in completion of the necessary paperwork. Healthy Families is a discounted health program for children in working poor families. These children are not eligible for other public health insurance programs, such as Medi-Cal, because the

incomes of their families are just above the maximum limits set for free health care. (Chapter 667, Statutes of 2002)

SB 292: Prescription Drug Labels- To minimize dangerous errors in the use of prescription drugs, this bill required prescription labels to include a physical description of the drug. (Chapter 544, Statutes of 2003)

SB 340: Prescription Drugs- Allows medications obtained under a special federal program tailored for counties to be sold at county clinics without requiring the clinics to have a wholesale license, thereby allowing greater access to affordable prescriptions by those using county medical facilities. (Chapter 631, Statutes of 2001)

SB 545: Emergency contraception- Capped the administrative fee charged to patients for emergency contraception at \$10. (Chapter 652, Statutes of 2003)

SB 623: Emergency medical services fund- Bolstered funding for emergency medical services by preventing diversion of designated funds to other uses. (Chapter 679, Statutes of 1999)

SB 737: Open enrollment- Allowed open enrollment for persons who haven't previously participated at the time that they adopt, marry or when the dependent or employee is dropped from coverage. (Chapter 434, Statutes of 1999)

SB 738: Long-term care insurance. Extended California's asset-protection program for qualifying long-term care insurance plans. This program gives seniors protection of their homes and other assets when becoming qualified for Medi-Cal, provided the seniors have purchased long-term care insurance that qualifies under the program. (Chapter 802, 1999)

SB 801: Medication errors-- Created new standards to prevent medication errors in hospitals. (Chapter 15, Statutes of 2002)

SB 842: Prescription drug benefits-- Created new authority so that the Department of Managed Health Care can regulate prescription drug benefits under HMO policies. (Chapter 781, Statutes of 2002)
SB 1801: Hospital Seismic Retrofit- Allows hospitals that build to seismic standards mandated by 2030 to have a five year extension on meeting seismic safety standards-- to 2013. The end result is that hospitals will comply with the 2013 standard 17 years earlier and not spend money on meeting interim construction standards. Money saved can be redirected into meeting other urgent health care needs, such as reducing the number of deaths and injuries related to medication errors. (Chapter 850, Statutes of 2000)

SB 1828: Internet Medicine Prescriptions- Penalizes "rogue" Internet prescription sites \$25,000 per occurrence when they dispense medications without a valid prescription. (Chapter 68, Statutes of 2000)

SB 1913: Department of Managed Health Care and Department of Insurance-- Required both departments to establish procedures so that consumers can easily reach the right agency when complaining about HMO or other health insurance. (Chapter 793, Statutes of 2002)

SB 2083: Health Plan of San Mateo County- Allowed the Health Plan of San Mateo County to expand its services to include all who have government-provided health insurance, such as those on Healthy Families. (Chapter 696, Statutes of 2000)

Seniors--Prescription Drugs, Medi-Gap Coverage & Long-Term Care

Problem: Medicare generally does not cover the cost of prescription drugs, and some seniors are being driven into poverty in order

to pay for the costs of modern medications. While Congress failed to act, California took the lead by extending its purchasing power on behalf of its senior citizens, thereby reducing prescription drug prices dramatically.

SB 393: Prescription drugs- This historic legislation allows elderly Californians to show their Medicare card at a pharmacy and to pay for their prescription at a discount. An estimated 1 million discounted prescriptions are filled monthly in California. The law simply allows seniors and the disabled to pay with their own money at the discounted price paid by the state on behalf of low income Californians-- in effect, allowing these persons to benefit from the buying power enjoyed by state government, but at virtually no cost to state government. 12% of California's population is composed of Medicare beneficiaries, but they use 33% of the prescription drugs sold in California. Seniors have the greatest need for prescriptions, but the most inadequate coverage. 37% have no prescription coverage, even though about 75% take prescription drugs (Chapter 946, Statutes of 1999).

SB 1278: Prescription drugs--- Made SB 393 (the discounted prescription drug law authored by Senator Speier) permanent. The law allows seniors to pay the same price for prescription drugs that is paid by the State of California. (Chapter 542, Statutes of 2002)

SB 1531: Medi-Gap-- Offered significant new protections to those covered by Medicare by requiring that Medi-Gap coverage be offered to individuals when enrolled in Medicare+Choice plans. (Chapter 555, Statutes of 2002)

SB 1814: Medicare Supplement Reform- Medicare supplemental insurance currently allows a patient to pay the balance of charges after Medicare paid its share. SB 1814 provides several important reforms: Those who have Medicare due to a disability will be eligible for Medicare supplemental insurance (prior to enactment of this law they were

ineligible). An enrollee is eligible for Medicare supplemental insurance when an HMO covering the enrollee drops some benefits, rather than all benefits. Medications are covered under the package of benefits. (Chapter 707, Statutes of 2000)

SB 2046: Off label drugs—coverage for disabled and chronic diseases (Chapter 852, Statutes of 2000)

Senate Joint Resolution 1: Asked the federal government to ensure that seniors dropped from Medicare HMOs have access to other HMOs or to Medigap policies covering prescription drugs. (Res. Chapter 63, Statutes of 1999)

Women's Health

SB 41: Women's contraceptive equity act-- Required that all prescription drug benefit packages offered by health insurers include a variety of FDA approved prescription contraceptives. In the United States, almost half of all pregnancies are unplanned. Providing contraceptive coverage allows women to make responsible family planning choices. SB 41 contains a narrow religious exemption for religious based organizations that have a moral objection to the use of contraception. (Chapter 538, Statutes of 1999)

Access to OB/GYNs

Problem: Most insurers refused to recognize obstetrician-gynecologists as primary care providers and, instead, required women to see a primary care practitioner for referrals. For many women, this process meant twice the phone calls, twice the visits and twice the fees. Although ob-gyns have primary care training and are devoted to the health of women throughout their lifetime, women were being denied the right to choose ob-gyns as their primary care providers.

AB 2493: Guaranteed women the choice of using their obstetrician-gynecologist as their primary care physician by mandating that all health care plans and insurers include obstetrician-gynecologists as primary-care providers. (Chapter 759, Statutes of 1994)

Women's Health Research

Problem: There was little conclusive research conducted on many diseases and conditions unique to women; only 13 percent of the federal research budget was devoted to women's health. Numerous health research studies excluded women:

- The Physicians Health Study by the National Heart, Lung and Blood Institute concluded that taking an aspirin a day may reduce the risk of heart disease. The study included 22,000 men, no women. As a result, many female patients began taking the aspirin, but later studies actually determined that this dosage was harmful to women.
- The Multiple Risk Factor Intervention Trials included 15,000 men, no women. Dubbed "Mr. Fit," this was a long-term study of lifestyle factors related to cholesterol levels and the development of heart diseases.
- The Baltimore Longitudinal Study of Aging, a 25-year study conducted by the National Institute on Aging which began in 1958, only included women in the last five years of the study. *Normal Human Aging* is considered a definitive study, yet it contains no data on women.
- The Centers for Disease Control redefined AIDS because prior research on HIV had been conducted only on gay white males, and it was discovered that for many women the symptoms were completely different. As a result of the definition

change, AIDS cases among women increased 111% in 1993.

AB 2005: Known as the Health Research Fairness Act, required the inclusion of women and minorities, where feasible and appropriate, in all medical research conducted in California; and it required that a proportion of funding be set aside for research on conditions that are unique to, or more prevalent in, women. (Chapter 792, Statutes of 1991)

Related information: Results of a University of California at San Francisco research study published in October 1996 revealed for the first time that certain pain killers were more effective on women than men; consequently, it may be medically wiser to prescribe these drugs to women since they do not have the same negative side effects that come with stronger pain killing drugs. Prior pain studies involved only men, a research gap now considered inexcusable.

SB 1411: Maternity Parity Act-- Prohibited health plans from imposing a copay on maternity care that is higher than other copays within the plan. (Chapter 880, Statutes of 2002)

Public Safety

SB 297: DNA- Permits law enforcement to keep DNA samples from relatives in missing persons cases in the event the DNA sample is later needed for evidence in a criminal trial. (Chapter 467, Statutes of 2001)

SB 81: Required that uninsured motorist coverage cover the injuries of people who were injured by their own cars when criminals turned the cars into a weapon against the owners, typically in cases of carjacking where owners were injured during the crime. (Chapter 95, Statutes of 2001)

SB 1867: Rental Equipment Contracts- Tightened and simplified the rules on when missing rental equipment is stolen. Under this law, equipment with a value of \$1000 is presumed stolen after 20 days, and equipment over \$1,000 is presumed stolen if missing after 10 days.(Chapter 176, Statutes of 2000)

SB 1988: Vehicle Insurance Fraud and Theft- Created a first-in-the-nation auto body fraud inspection service allowing consumers to get free inspections from state personnel of auto body repairs that they suspected were not done properly, created permanent revocation of the licenses of attorneys, doctors and chiropractors once convicted of insurance fraud, required insurers to give consumers a bill of rights when their vehicles entered the repair shop, and made other significant changes to the law on auto insurance fraud. (Chapter 867, Statutes of 2000)

Problem: Each day in California, four people are killed in accidents involving a drunk driver. Driving drunk and killing someone was not considered a “strike” under California’s Three Strikes law. In one notable case, a Roseville teenager, Courtney Cheney, was struck and killed by a DUI driver with four prior DUI convictions. With time off for good behavior, this convicted killer was expected to be released from prison in 5.5 years.

AB 1985: Provided that a felony drunk driving that leads to a death is a *strike*. Instead of the prior term of 4,6, or 10 years, a felony DUI with death will lead to a sentence of 15 years to life if the driver has two or more prior DUIs or a previous conviction for the same crime, or vehicular manslaughter with gross negligence. This law, known as Courtney’s Law, was named in memory of the Roseville teenager, Courtney Cheney. (Chapter 722, Statutes of 1996)

Problem: Pepper spray is the most effective non-lethal self-defense spray available in the United States; but prior to 1993, California was one of three states which did not permit

the sale of pepper spray. Furthermore, Californians complained that to buy less effective tear gas devices, the law required a person to take a two-hour training course which cost as much as \$60.

AB 581 and AB 830: Led to legalization and deregulation of the sale of pepper spray. First, in 1993, AB 581 authorized the sale of pepper spray while reducing the burden of a two-hour training course to a 30-minute video which a person could view at the store where pepper spray was sold. After one viewing, the buyer would be issued a certificate which would preclude the need to view the video again when making future purchases. After pepper spray had been on the market for 18 months, law enforcement reports indicated that the product had not led to any outbreaks of misuse. Consequently, Speier authored AB 830 in 1995 which completely deregulated the sale of the product—retailers did not have to be credentialed to sell pepper spray while citizens no longer needed to view the video. (AB 581, Chapter 954, Statutes of 1993, and AB 830, Chapter 437, Statutes of 1995)

Problem: Ex-felons are not allowed to possess concealed weapons, but they were allowed to own other types of firearms.

AB 669: Expanded the ban to include all firearms (Chapter 254, Statutes of 1989)

Problem: The elderly, confined to adult care settings, were subjected to abuse by employees with criminal records. AB 1653: Authorized the Department of Justice to conduct a criminal background check on an employee of a care facility when so requested by the employer. (Chapter 537, Statutes of 1993)

Other Senate Legislation

SB 681: "Steer it, clear it"- Allowed Caltrans and CHP to remove spilled loads from the freeways without facing liability for damage to the goods, and allowed motorists to move vehicles after non-injury accidents. (Chapter 421, Statutes of 1999)

SB 940: Department of Insurance funding- Restructured funding of the Department of Insurance and created new funding to fight fraud and to serve consumers. (Chapter 884, Statutes of 1999)

SB 1128: Allowed San Francisco to receive federal Medicaid funding to rebuild its nursing home, Laguna Honda Hospital. (Chapter 757, Statutes of 1999)

SB 2003: Baby Bullet Train- This bill ultimately led to a budget appropriation of \$127 million to begin "Baby Bullet Train" service cutting the travel time by rail between San Francisco and San Jose in half to approximately 50 minutes, and removing an estimated 12% of all vehicle traffic from the transportation corridor. (Included in budget bill)

SB 2012: Digital Conversion of PBS Stations in California- This bill ultimately led to a \$25 million budget appropriation to assist PBS stations in California convert to new digital transmission technology. In return, PBS stations agreed to grant the Office of Emergency Services access during times of declared emergencies. ((Chapter 1087, Statutes of 2000)

SB 2094: Technical clean up legislation to managed care legislation passed by the Legislature in 1999. (Chapter 1067, Statutes of 2000)

SB 244: Airport noise- Allows San Mateo County to have authority to approve acquisition of any land needed by needed by SFO for expansion, and grants San Mateo County the right to approve or disapprove of expansion. (Chapter 534, Statutes of 2001)

SB 288: Bonds/UCSF- This bill includes the Regents of the University of California within the definition of "participating health facility" for purposes of California Health Facilities Revenue Bonds (UCSF-Stanford Health Care) 1998 Series A. (Chapter 78, Statutes of 2001)

SB 454: Senate Insurance Committee- Defines the term "health insurance" for purposes of California law. (Chapter 277, Statutes of 2001)

SB 455: Senate Insurance Committee- Technical clean up measure. (Chapter 328, Statutes of 2001)

SB 456: Senate Insurance Committee- Provided a statutory framework to guide California towards compliance with federal law known as the Health Insurance Portability and Accountability Act. (Chapter 635, Statutes of 2001)

AB 1049: San Mateo County Retirement Benefits- Allows San Mateo County to provide death benefits and survivor's allowances to a staff member's surviving domestic partner. (Chapter 147, Statutes of 2001)

SB 39 XX: Power plant inspections- Established standards for power plant maintenance and access by regulators to facilities taken off line for maintenance. Electricity shortages that plagued California were due, in part, to generators taking generators offline for maintenance in order to boost prices. (Chapter 19, Statutes of 2001)

SB 1048: San Francisco-- Changed State law so that San Francisco could fully implement a charter reform measure aimed at public

transportation, traffic control and parking. (Chapter 130, Statutes of 2002)

SB 1480: Ban billboards-- Restored local control over billboards so that cities and counties could avoid expensive litigation otherwise needed to enforce local ordinances. (Chapter 972, Statutes of 2002)

SB 2019: Strengthened the requirements imposed upon health care professionals to pay back their student loans. (Chapter 683, Statutes of 2002)

SB 92: Missions Tax Check Off- Created a tax check off box on the California tax form for purposes of paying for repairs to California's historic missions. (Chapter 460, Statutes of 2003)

SB 413: HICAP Funding- Permitted the State Department of Aging to increase the amount of the fee assessed on a health care service plan for each enrollee to offset the cost of the Health Insurance Counseling and Advocacy Program (HICAP) to not more than \$1.20, from a current maximum of \$1. Additionally, this bill requires that the DOA also assess the fee annually on a health care service plan for each enrollee insured under a Medicare supplement contract, including a Medicare Select contract. (Chapter 545, Statutes of 2003)

SB 617: Tissue Banks - Required that organ and tissue donors be advised of their right to withhold consent for donated tissue to be used for cosmetic surgery purposes or for applications outside of the United States, and of use by for-profit tissue processors and distributors. (Chapter 464, Statutes of 2003)

SCR 27: Physical Education---Encouraged state and local governments and local educational agencies to provide high-quality daily physical education programs for all children in kindergarten and grades 1 to 12, inclusive. (Chapter 67, Statutes of 2003)

SCR 31: California Missions Day-- Declared California Missions Day as July 16, 2003, to increase public awareness of the California missions in state history and encouraged annual observance of this day. (Chapter 102, Statutes of 2003)